

MINUTES OF REGULAR MEETING HELD OCTOBER 20, 2015

Pursuant to rules of Council of the Town of Westfield, the members thereof convened in regular session Tuesday, October 20, 2015 at 8:00 p.m.

Acting Mayor Neylan made the following announcements:

“Prior to convening in regular session, there was an agenda session which was open to public and advertised.”

“The adequate notice of this meeting as required by the Open Public Meetings Act, was provided by the posting, mailing and filing of the annual notice of regularly scheduled meetings of the Town Council on December 16, 2014. The notice was, on that date, posted on the bulletin board in the Municipal Building, mailed to THE WESTFIELD LEADER, AND THE STAR LEDGER, and filed with the Clerk of the Town of Westfield.”

PRESENT: Acting Mayor Neylan, Council Members, Arena, LoGrippo, Foerst, Della Fera, Kimmins, Oliveira, Loughlin

ABSENT: Mayor Skibitsky

Invocation was given by Councilman Della Fera

PRESENTATIONS

Acting Mayor Neylan presented the following proclamation:

Town of Westfield **Westfield, New Jersey**

PROCLAMATION ***World Pancreatic Cancer Day*** ***November 13, 2015***

Whereas, in 2015, an estimated 48,960 people will be diagnosed with pancreatic cancer in the United States and, tragically, 40,560 will die from the disease, with approximately 1,560 deaths in New Jersey alone; and

Whereas, pancreatic cancer is the fourth leading cause of cancer death in the United States and, sadly, once symptoms present themselves, 73 percent of the patients die within the first year of their diagnosis and 93 percent die within the first five years; and

Whereas, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer deaths in the United States by the year 2020; and

Whereas, when symptoms of pancreatic cancer present themselves, it is generally late stage; consequently, it is the only major cancer with a five-year relative survival rate in the single digits at just seven percent; and

Whereas, the Pancreatic Cancer Action Network, the national leader in the fight against pancreatic cancer, is a nationwide network of people dedicated to working together to advance research, support patients and create hope for those affected by pancreatic cancer; and

Whereas, in recognition that “knowledge is one of our best tools in the fight against pancreatic cancer” and “by providing education about the disease and increasing awareness of its devastating impact, we hope to change the outlook for patients and families,” the Pancreatic Cancer Action Network is designating one day – November 13 - to start a global conversation;

Now, therefore, be it proclaimed that, increasing awareness of pancreatic cancer as well as supporting research into causes, early detection, effective treatments, and ultimately a cure, benefits the good health and well-being of the residents of the Town of Westfield and, therefore, I, Andrew K. Skibitsky, Mayor of the Town of Westfield, hereby proclaim November 13, 2015 as “World Pancreatic Cancer Day” in the Town of Westfield.

Be it further proclaimed that residents be encouraged to go to the Pancreatic Cancer Action Network website at www.pancan.org for more information about this devastating disease.

APPOINTMENT

ADVERTISED HEARINGS

We have five ordinance that were advertised for hearings tonight and two that will be adjourned as they must first be heard by the Planning Board. Ordinances 2053 and 2054 will be adjourned.

The Council proceeded to the hearing entitled, “SPECIAL ORDINANCE NO. 2204 - BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW FIRE ENGINE AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE

TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,780,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

The Council then proceeded to the hearing entitled, SPECIAL ORDINANCE NO. 2205 – AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALK AND CONSTRUCTION OF NEW SIDEWALK AT VARIOUS LOCATIONS IN THE TOWN AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

The Council then proceeded to the hearing entitled, “GENERAL ORDINANCE NO. 2052 – AN ORDINANCE AUTHORIZING AND APPROVING THE TOWN OF WESTFIELD’S VACATION OF THE PUBLIC RIGHT-OF-WAY IDENTIFIED AS A PORTION OF NEW STREET.”

Advertised returnable this evening.

Acting Mayor Neylan declared the hearing closed.

PENDING BUSINESS

An ordinance entitled, “SPECIAL ORDINANCE NO. 2204 – BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW FIRE ENGINE AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,780,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH

BONDS.” Introduced by Councilman Della Fera, seconded by Councilman Arena, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: Mayor Skibitsky
	LoGrippto		
	Foerst		
	Della Fera		
	Kimmins		
	Oliveira		
	Loughlin		
	Acting Mayor Neylan		

An ordinance entitled, “SPECIAL ORDINANCE NO. 2205 – AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALK AND CONSTRUCTION OF NEW SIDEWALK AT VARIOUS LOCATIONS IN THE TOWN AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR.” Introduced by Councilman Della Fera, seconded by Councilman Loughlin, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: Mayor Skibitsky
	LoGrippto		
	Foerst		
	Della Fera		
	Kimmins		
	Oliveira		
	Loughlin		
	Acting Mayor Neylan		

An ordinance entitled, “GENERAL ORDINANCE NO. 2052 – AN ORDINANCE AUTHORIZING AND APPROVING THE TOWN OF WESTFIELD’S VACATION OF THE PUBLIC RIGHT-OF-WAY IDENTIFIED AS A PORTION OF NEW STREET.” Introduced by Councilman Foerst, seconded by Councilwoman Kimmins, was taken up, read and passed by the following vote of all present upon roll call as follows:

Yeas:	Arena	Nays:	Absent: Mayor Skibitsky
	LoGrippto		
	Foerst		
	Della Fera		
	Kimmins		
	Oliveira		
	Loughlin		
	Acting Mayor Neylan		

BIDS**TOWN OF WESTFIELD
INVITATION TO RE-BID
OCTOBER 20, 2015****COLLECTION OF LEAVES**

The bids as follows were received, read and referred to the Town Engineer:

<u>BIDDER</u>	<u>AMOUNT</u>
Ameritico Disposal Inc.	Part A 2 trucks @ \$85/hr.
264 Appletree Lane	
Mountainside, NJ 07092	

MINUTES

On a motion by Councilman Oliveira, seconded by Councilman Foerst, Council approved the Minutes of the Town Council Meeting held October 6, 2015 with Council Members Kimmins and Loughlin abstaining.

On a motion by Councilman LoGrippe, seconded by Councilman Oliveira Council approved the Minutes of the Conference Session held October 6, 2015 with Council Members Kimmins and Loughlin abstaining.

PETITIONS AND COMMUNICATIONS**OPEN DISCUSSION BY CITIZENS****BILLS AND CLAIMS**

Introduced by Councilman Della Fera, seconded by Councilman LoGrippe and adopted with Councilman Loughlin abstaining on the Loughlin Law Firm.

RESOLVED that the bills and claims in the amount of \$750,823.96 per the list submitted to the members of this Council by the Chief Financial Officer, and approved for payment by the Town Administrator be, and the same are hereby, approved and that payroll warrants previously issued by the Chief Financial Officer be ratified.

REPORTS OF STANDING COMMITTEES:**Finance Policy Committee**

The following resolutions, introduced by Councilman Della Fera, Chairman of the Finance Policy Committee, seconded by Councilman LoGrippe were unanimously adopted.

(307) RESOLVED that the Chief Financial Officer be and hereby is authorized to draw warrant for unused parking department permit fees as follows:

Qi Wang	South Side RR Stn/Lot 3	#15030188	\$159.00
201 Lamberts Mill Road			
Westfield, NJ 07090			

(308) WHEREAS, the Town of Westfield has resolved to join both the Suburban Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, following a detailed analysis and has been a member since 1994; and

WHEREAS, the Bylaws of said funds require that each municipality appoint a Risk Management Consultant to perform various professional services as detailed in the Bylaws; and

WHEREAS, the Town of Westfield solicited requests for proposals for such services in accordance with G.O. 1753 of the Town of Westfield; and

WHEREAS, the Bylaws indicate that the commission rate shall not exceed six percent (6%) of the Member's Annual Assessment; and

WHEREAS, Amalgamated General Agencies made a proposal to perform such services outlined for two and one half percent (2.5%) of annual assessment; and

WHEREAS, the Bylaws of the aforesaid Fund require that in such case the municipality will make payment for such professional services directly to the Risk Management Consultant; and

WHEREAS, the Town of Westfield has received the sum of \$32,138.60 drawn on the Administration and Expense Account of the Suburban Joint Insurance Fund which represents the second half of the installment of the six percent (6%) of the Annual Assessment for 2015; and

NOW, THEREFORE BE IT RESOLVED that the Chief Financial Officer of the Town of Westfield be, and hereby is, authorized and directed to draw warrant to the order of Amalgamated General Agencies (AGA), 115 Grove Street East, PO Box 2670, Westfield, NJ 07090-2670, in the sum of \$13,397.74 representing the second half of the

commission payable for the year 2015 with \$18,740.86 representing the reduction in the second half of the annual assessment.

(309) RESOLVED that the Chief Financial Officer be and he hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2015:

Block/Lot/Qualifier Name/Mailing Address	Property Address	Amount
4801/29 Pazdro, Steven G 17 Summit Court Westfield, NJ 07090	1030 Central Avenue	\$1,959.96

(310) RESOLVED that the Treasurer be and he hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2012-2015 pursuant to the Tax Court of New Jersey:

Block/Lot Name	Address	Year	Amount
3103/3 Tyler Proprietors, Inc. Mail to: Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	435 North Avenue West	2015	\$9,173.84
5405/1 PSEG Service Corp Mail to: Zipp & Tannenbaum, LLC 280 Raritan Center Parkway Edison, NJ 08837	1742 Rahway Avenue	2012	\$11,407.76
		2013	\$11,873.53
		2014	\$12,416.21
		2015	\$12,839.90

(311) RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the year 2015, pursuant to Judgment of the Union County Tax Board:

Block/Lot Name	Address	Amount
502/10 Sweeney, Linda	12-A Breeze Knoll Drive	\$9,733.90

2211/20 Tinfow, Bradley S & Eugenia	722 Saunders Avenue	\$4,424.50
2513/3 NNG Limited Liability Company	405 Cumberland Street	\$6,194.30
2815/13 Broughton, Dennis P & Lin	779 Austin Street	\$2,212.25
3905/4 Ragab, Adam	16 Marlin Court	\$3,982.05
4903/4 Goldberg, Neil W & Ilene L	1485 Grandview Avenue	\$2,212.25
5712/6 Nayer, Syam	225 Delaware Street	\$4,424.50
Above checks payable and mailed to:		
Darin D Pinto, PC		
376 South Avenue East		
Westfield, NJ 07090		

2404/34 Chapin Berkley Associates LLC Payable to: Michael I Schneck, Trustee for Chapin Berkley Associates LLC	509-13 East Broad Street	\$4,424.50
2404/35 Overton Associates L P Payable to: Michael I Schneck, Trustee for Overton Associates L P	505 East Broad Street	\$8,849.00
101/18 Rainville, Mark & Christina Payable to: Jacobus & Associates, LLC, Trustee	11 Kent Place	\$6,902.22
Mail above checks to:		
301 South Livingston Avenue		
Suite 105		
Livingston, NJ 07039		

2704/26 Camacho, Oscar & Mary Payable and mail to: Spiotti & Esposito, PC 271 US Highway 46	736 West Broad Street	\$884.90

**Suite F105-F106
Fairfield, NJ 07004**

(312) RESOLVED that pursuant to N.J.A.C. 5:23-4.19, that the Chief Financial Officer be authorized and directed to draw a warrant in the sum of 18,975.00 to the TREASURER, STATE OF NEW JERSEY for the third quarter Construction Official's State permit fees for 2015.

BE IT FURTHER RESOLVED that said check be forward to the Division of Codes and Standards, Department of Community Affairs, CN 802, Trenton, New Jersey 08625-0802.

(313) WHEREAS, N.J.S.A. 40A:4-87 (Chapter 159, P.L., 1948) provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget or any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Town of Westfield hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2015** in the sum of **\$55,000.00**, which is now available from the **Union County Kid's Recreation Trust Grant - 2015**, and

BE IT FURTHER RESOLVED that the like sum be, and the same is hereby appropriated under the following caption:

General Appropriations

Kid's Recreation Trust – 2015 Bleacher Project	\$55,000.00
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BE IT FURTHER RESOLVED that one copy of this resolution be forwarded electronically to the Division of Local Government Services by the Chief Financial Officer.

(314) RESOLVED that the payroll consisting of the following regularly salaried employee of the Town of Westfield be adopted effective January 1, 2015 and that the Chief Financial Officer be authorized to draw warrant to his order, biweekly, as their names appear on the departmental payrolls, and that the Mayor and the Town Clerk be,

and they are hereby, authorized to sign a warrant in compliance thereto for the amount of the payroll biweekly:

<u>Office/ Name</u>	<u>Title</u>	<u>2015 Salary</u>
Parking Administration Ryan Shaughnessy	Traffic/Parking Enforcement	\$ 33,421

Public Safety, Transportation and Parking Committee

Code Review & Town Property Committee

The following resolutions, introduced by Councilman Foerst, Chairman of the Code Review & Town Property Committee, seconded by Councilwoman Kimmins were unanimously adopted.

(315) WHEREAS, Prominent Properties, LLC., made an application to the Town of Westfield to demolish a single-family dwelling located at 52 Barchester Way, Block 309, Lot 8, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 52 Barchester Way, Block 309, Lot 8, Westfield, New Jersey.

(316) WHEREAS, Preferred Builders LLC., made an application to the Town of Westfield to demolish a single-family dwelling located at 126 Wyoming Street, Block 5603, Lot 8, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 126 Wyoming Street, Block 5603, Lot 8, Westfield, New Jersey.

(317) WHEREAS, Peterson Brothers LLC., made an application to the Town of Westfield to demolish a single-family dwelling and detached garage located at 330 Edgewood Avenue, Block 812, Lot 18, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 330 Edgewood Avenue, Block 812, Lot 18, Westfield, New Jersey.

(318) WHEREAS, Camelot, LLC., made an application to the Town of Westfield to demolish a single-family dwelling and detached garages located at 1485 Prospect Street, Block 101, Lot 1, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garages at 1485 Prospect Street, Block 101, Lot 1, Westfield, New Jersey.

Public Works Committee

The following resolution, introduced by Councilman Arena, Chairman of the Public Works Committee, seconded by Councilman LoGrippe was unanimously adopted.

(319) WHEREAS, a need exists for the contract rental of privately owned equipment for use by the Department of Public Works in the 2015 Leaf Collection Program, as provided for in Public Works account 137-246, and

WHEREAS, sealed bids were received on Tuesday, October 20, 2015, and

WHEREAS, the low bid received for **Part A – Hauling from the Street**, has been analyzed and found to be fair and reasonable for the rental of this service, but provides for only two trucks, and

WHEREAS, six total trucks are required under **Part A – Hauling from the Street**, and only four have been offered through two previous bidding opportunities, and

WHEREAS, the New Jersey Public Contracts law permits contracts to be negotiated at fair and reasonable prices for the respective services when bidding on two occasions has been unsuccessful, and

WHEREAS, Certificate of the Town Treasurer, certifying to the availability of adequate funds for this Contract, prepared in accordance with N.J.A.C. 5:30 1.10 has been furnished to the Town Clerk. Expenditure of funds to be charged to Public Works account 137-246.

NOW THEREFORE BE IT RESOLVED, that the following contract be awarded, and that the proper Town Officials be, and they are hereby, authorized to act as appropriate in the execution and discharge of this contract.

PART A

AMERITICO DISPOSAL, INC.

264 Appletree Lane Hauling from Street/Trucks w/operators (2) \$85.00/HR.
Mountainside, NJ 07092

Reports of Department Heads

Reports of Susan Noon, Collector of Taxes, showing taxes total collections of and sewer \$697,126.94 during the period September 1, 2015 to September 30, 2015.

Report of Carol Salvaggio, Certified Court Administrator, stating that she had turned over to the Chief Financial Officer check in the amount of \$61,922.62 representing fines and costs collected in the Municipal Court and Violations Bureau during the month of September 2015 was received, read and ordered filed.

Report of Kris McAloon, Town Engineer, stating he had turned over to the Chief Financial Officer check in the amount of \$13,208.00 representing monies collected during the month of September 2015.

Report of Claire J. Gray, Town Clerk, showing fee collected in the amount of \$904.00 during the month of September 2015 was received, read, and ordered filed.

Report of Steve Freedman, Construction Official, showing monies collected for permits in the amount of \$1,769.55 for the month of September 2015 was received, read and ordered filed.

Report of David J. Kelly, Chief of the Fire Department, showing Smoke Detector Fees collected in September 2015 in the amount of \$6,200.00 and \$438.00 Permit Fees was received, read and ordered filed.

Upon motion by Councilman LoGrippe, seconded by Councilman Loughlin the meeting was adjourned at 8:16 p.m.

Claire J. Gray
Town Clerk